

**REMARKS/ARGUMENTS**

Claims 1-21 are currently pending.

Claim 1 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Dotan (US Patent No. 5,822,517). Claim 7 stands rejected under 35 U.S.C. 103(a) as being obvious over Dotan in view of Smith (US Patent Publication No. 2002/0152399).

Applicants respectfully request reconsideration in view of the amendments above and the remarks below.

**Rejections under 35 U.S.C. §112**

Claim 1 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. §112. Applicants submit that claim 1 does particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Office Action asserts that claim 1 is vague and indefinite because it is not clear whether the limitation "at a first time" is identical to "the stored state" of Fig. 4 and the limitation "at a first time" and the limitation "at a second time" is identical to the "current system" in Fig. 4. However, specific support can be found in at least paragraphs 0021 and 0022 of the specification as filed and Figs. 3 and 4.

For example, Applicants submit that the "stored state" of the system (Fig. 4, reference no. 406) is a representation of configuration data that is captured and stored, for example, at the startup of the computer system 100, i.e. "at a first time" as recited in claim 1. See specification as filed, paragraph 0020, and Fig. 3, reference no. 308. Furthermore, the "current system" (Fig. 4, reference no. 406) is a representation of the state of the active operating system at a second point in time. See at least specification as filed, paragraph 0021.

Therefore, Applicants submit that claim 1 does particularly point out and distinctly claim the subject matter that Applicant regards as the invention, and Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §112 be withdrawn.

**Rejections under 35 U.S.C. §102**

Claims 1-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Dotan.

Applicants submit Dotan fails to anticipate independent claims 1 and 19-21. For example, independent claim 1 recites, in part:

storing a representation of configuration data associated with an operating system for the computer system obtained at a first time;  
comparing the stored representation of the configuration data obtained at the first time with a representation of the configuration data associated with the operating system for the computer system obtained at a second time; and  
if deviation is detected between the stored representation of the configuration data obtained at the first time and the representation of the configuration data obtained at the second time, automatically performing at least one remedial measure in response to the deviation detected

Applicants submit that Dotan fails to teach at least (1) storing a representation of configuration data associated with an operating system, and (2) comparing the stored representation of the configuration data obtained at the first time with a representation obtained at a second time.

Dotan merely describes a method for comparing of an initial state of an executable program to a final state of the program, and if the final state of the program is different that the initial state of the program, the method generates an alarm signal to inform a user that the program has been modified by a virus and is infected. Dotan determines the initial state of the program when the program is loaded into memory by the operating system and the final state of the program when execution is completed. Alternatively, Dotan may also determine the final state of the program at the point where execution of the program commences rather than upon completion of execution. See Dotan, Abstract.

Applicants submit that Dotan fails to teach at least "storing a representation of *configuration data associated with an operating system* for the computer system obtained at a first time" as recited in claim 1 (emphasis added). As described above, Dotan is directed to a method for comparing the initial state of an executable program with a final state of the program

and alerting a user that a virus has infected the program if the final state of the program differs from the initial state of the program. The method in Dotan is invoked when a user accesses an executable program, and is limited to determining whether executable programs designed to be executed on an operating system has been modified by a virus. See Dotan, col. 6, lines 9-12 and col. 6, line 65 - col. 7, line 2. Dotan, however, is silent as to storing a representation of configuration data associated with the *operating system* as recited in claim 1. Thus, Dotan fails to teach this feature of claim 1.

Applicants submit that Dotan also fails to teach at least "comparing the stored representation of the configuration data obtained at the first time with a representation of the configuration data associated with the operating system for the computer system obtained at a second time" as recited in claim 1. As described above, the method described in Dotan is directed to determining whether an executable program to be executed on an operating system has been modified by a virus. The method of Dotan is invoked every time an executable program is invoked by a user or by another program and captures an initial state of the program as the program is being loaded into memory, and captures an final state of the program at either program completion or just prior to program execution. Dotan, col. 6, lines 57-62. Applicants submit that the method in Dotan would not be able to capture the "final" state of the operating system. For example, if the operating system completes execution, then the method of Dotan could not be executed, because the operating system was no longer running. Furthermore, the method described in Dotan similarly would not be able to capture the "final" state of the operating system as it was being loaded into memory and prior to execution, because the operating system would not yet be executing and able to run the program code that executes this method. Thus, Dotan also fails to teach this feature of claim 1.

Therefore, Applicants submit that Dotan fails to anticipate claim 1 for at least the reasons provided. Independent claims 19-21 should also be allowable for the same reasons as claim 1. Furthermore, dependent claims 2-18 should also be in condition for allowance at least due to their dependence from independent claim 1.

Applicant submit that claims 4 and 5 are also allowable for additional reasons. For example, claim 4 recites, in part "wherein the configuration data is obtained from a registry

maintained by the operating system." The Office Action relies upon col. 6, lines 1-7 and Fig. 1 to teach this feature of claim 4. However, the cited portions of Dotan merely describe executable program code for a computer program being loaded into main memory in response to a user calling the executable program. The cited portions of Dotan do not describe obtaining configuration data from a registry maintained by the operating system as recited in claim 4. Furthermore, claim 5 should also be allowable at least due to its dependence from claim 4.

Accordingly, Applicants respectfully request that the withdrawal of the rejection of claims 1-21 under 35 U.S.C. 102.

**Rejections under 35 U.S.C. §103**

Claim 7 stands rejected under 35 U.S.C. 103(a) as being obvious over Dotan in view of Smith.

Claim 7 depends from claim 1, and the rejection of claim 7 is premised on the assertion that Dotan discloses the features recited in claim 1 and Smith discloses or suggests the remaining features of claim 7. As discussed above, however, Dotan does not disclose or suggest all of the features recited in claim 1. As best understood, Smith provides no teaching or suggestion that would remedy this deficiency. Therefore, the rejection is based on a flawed premise and cannot be maintained. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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